IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

THURSDAY, THE 5TH JULY 2007 / 14TH ASHADHA 1929

CRP.No. 894 of 2000(A)

AGAINST THE ORDER IN IA 988/1999 IN
AS.29/1994 of SUB COURT, CHERTHALA

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REVN. PETITIONER: PETITIONER: 4TH DEFENDANT:

N.K.MOHANAN, MANGALATHU VEETIL
THURAVOOR SOUTH VILLAGE

BY ADV. SRI.PIRAPPANCODE V.SREEDHARAN NAIR
SRI.S.P.ARAVINDAKSHAN PILLAY
SRI.PIRAPPANCODE V.S.SUDHIR

RESPONDENTS: PLAINTIFFS

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1. M.K.KARTHIKEYAN, RESIDING AT N.G.O.QUARTERS NO:11/16, KAKKANAD, THRIKKAKARA PANCHAYAT

2. M.K.SUGATHAN, RESIDING AT MANGALATHU THURAVOOR SOUTH VILLAGE, CHERTHALA

3. VILASINI, W/O. PONNAPPAN, MATHANATTU VEEDU POOTHOTTA, THRIPPUNITHURA

4. USHA KUMARI, W/O. PRADEEP, KUTTATHU VEEDU AEROOR P.O. THRIPPUNITHURA

5. M.K.SIDHARTHAN, MANGALATHU VEETIL THURAVOOR SOUTH VILLAGE, CHERTHALA

R1 & 2 BY ADV. SRI.P.JACOB VARGHESE
SRI.G.GOPAKUMAR

THIS CIVIL REVISION PETITION HAVING BEEN FINALLY HEARD ON 05/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER ON C.M.P. NO: 1860/2000 IN C.R.P.894/2000

DISMISSED:

5/7/2007 SD/- M.N.KRISHNAN, JUDGE

jj /TRUE COPY/

P.A. TO JUDGE

M.N.KRISHNAN, J.

C.R.P.No. 894 OF 2007 A

Dated this the 5th July, 2007.

O R D E R

This revision is preferred against the order of the Subordinate Judge, Cherthala in I.A.988/99 in A.S.29/94. The said application was one for reception of documents in appeal under Order XLI Rule 27 CPC. As per Order XLI Rule 27 additional evidence can be received in appeal when the court is satisfied that the party was not in custody of the document or was unable to produce the document in spite of due diligence and that it is necessary for the disposal of the case. There is nothing in the affidavit or by way of evidence that the present revision petitioner was not in a position to produce the document at the stage of the trial nor there is any proper explanation to show that in spite of due diligence he was not in a position to produce the document. The court below has correctly followed the legal principles and dismissed the application under Order XLI Rule 27 CPC. It does not suffer from any material irregularity or illegality which warrants interference at the hands of the court. Therefore C.R.P is dismissed.

M.N.KRISHNAN
Judge

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